

REMARKS

This is in response to the Final Office Action mailed on October 5, 2006. Claims 13, 16, and 19 have been amended. Claims 13-35 are pending.

Section 102 Rejection

The Patent Office rejects claims 13-35 are rejected under 35 U.S.C. 102(e) as being unpatentable by Ellis et al. (U.S. 2005/0251827). The Applicants traverse this rejection.

Each of independent claims 13, 16, and 19 recites household objects that include access device objects and a plurality of user objects. Ellis does not teach or suggest this arrangement. In particular, the profiles/settings identified in the Office Action (p. 3) correspond to access device objects, not user objects. These profiles/settings are configurations for individual items of television equipment. Although the television equipment may be identified by a user's name (e.g., parent's room or children's room) the profile in Ellis for that particular television equipment is the same regardless of the actual user. For example, if a parent uses the television in the children's room the profile for that television is the same as if the children were using that television. The profiles/settings in this particular example are related to the television in the children's room, not a profile for the children themselves. In other words, the profiles/settings are equipment-specific, not user-specific. Accordingly, these profiles/settings are not user objects as recited in the claims because the profiles/settings are not associated with respective users of the access devices, but are rather access device objects because they are associated with respective access devices.

Furthermore, there is no teaching in Ellis of multiple user objects. Ellis does disclose that program guide settings can be shared with another device using a user password. (Ellis, [0094]), but there is no indication that there is more than one such user password per household.

Therefore, Ellis does not teach or suggest every element of the claims. For at least these reasons, claims 13, 16, and 19, as well as the remainder of the claims which depend therefrom, are

patentable over Ellis. The Applicants respectfully request withdrawal of the rejection of these claims.

The dependent claims include additional patentable features. For example, claims 22 and 23 are directed to actions that occur when an access device becomes coupled to the multimedia communication network (which includes multiple households.) The Office Action cites [0094] of Ellis as teaching these elements. This portion of Ellis discloses that a user can access his or her program guide settings at a location outside the home using a password. Ellis already assumes, however, that the device is coupled to the multimedia communication network so that it can receive the users program guide settings. Ellis does not appear to provide a specific discussion regarding the coupling of a new device to the network. For at least these additional reasons, claims 22-24 are patentable over Ellis. The Applicants respectfully request withdrawal of the rejection of these claims.

Claims 15, 18, 21, 32, and 35 each recite a ticket number associated with updated configuration information or a version of the configuration information. The Office Action asserts that "the system inherently generates a ticket number or a revision number or a version number corresponding to the updated setting configuration...." This rejection of the claims assumes that the system of Ellis keeps a historical record of changes in settings so that some identification number is used track these changes. Ellis does not explicitly or implicitly suggest such tracking or any historical record of changes. An alternative to the Office Action's proposal, and consistent with the disclosure of Ellis, is that the system of Ellis may apply changes to settings without retaining any memory or indication of earlier setting configurations. In such a scenario there would be no need for a ticket number or a revision number or a version number.

M.P.E.P. §2112 (under Heading IV) states:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.... To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or


possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” (Emphasis in original.)

Based on this criterion, Ellis does not inherently teach the use of a ticket number (or revision number or version number) because such a number is not necessarily required by Ellis. One possibility, consistent with the disclosure of Ellis, is that the system of Ellis does not generate such a number because it does not store or otherwise record a history of the change in the settings. An identifier would then not be necessary for tracking configuration changes. For at least these additional reasons, claims 15, 18, 21, 32, and 35 are patentable over Ellis. The Applicants respectfully request withdrawal of the rejections of these claims.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. If the Examiner has any questions or concerns, the Applicant encourages the Examiner to contact the Applicants’ representative, Bruce Black, by telephone to discuss the matter.

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Respectfully submitted,

By 

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